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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/560,715

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DAZENSKI, MARC A

ART UNIT

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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,715	Applicant(s) HIGGINS, JAMIE M.	
	Examiner MARC DAZENSKI	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2-01-2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Gunji et al (US Patent 7,212,725), hereinafter referred to as Gunji.

Regarding **claim 1**, Gunji discloses a recording/reproducing apparatus and picture recording reservation method of recording/reproducing apparatus. Further, Gunji discloses a recording/reproducing apparatus which can control a plurality of recording media, the apparatus comprising picture recording reservation information processing section (301) as well as remaining amount calculation processing section (401), which reads on the claimed, "a method for managing the recording capacity of a recording device when scheduling the recording of an item, independently of user involvement," as disclosed at column 3, lines 45-47; column 8, lines 38-41; and exhibited in figure 1, the method comprising:

utilizing picture recording reservation input screen (310) which includes a "mode" column allowing a recording mode to be set at various quality levels including manual,

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SP, and LP, which reads on the claimed, "receiving (104) data representing a plurality of recording modes of the recording device," as disclosed at column 8, lines 48-51 and exhibited in figure 2;

utilizing a simulation system which calculates the remaining amount of a disk which is reserved to be recorded and checks whether or not the reservation recording can be made possible according to the recording time, as well as displaying the recorded capacity of a medium, the to-be-recorded capacity of a medium, and the available capacity of a medium, which reads on the claimed, "for each recording mode, calculating (108) the capacity required to record the item using said mode; obtaining (112) the unreserved recording capacity of the recording device," as disclosed at column 9, lines 25-30; column 9, line 66 through column 10, line 10; and exhibited in figure 4;

making comparisons between time information items of the picture recording reservation and the available capacities of the respective disks, and then displaying the result in the form of o's and x's, which reads on the claimed, "identifying (114) recording modes for which the calculated capacity is less than the unreserved recording capacity," as disclosed at column 9, lines 50-56 and exhibited in figure 4; and

calculating capacities required for picture recording as to the respective reservations for each of the specified reservation items and a user making a mode selection and moving the cursor to a desired row, changing the mode, the user setting the bit rate when the reserved program is recorded to any one of manual, SP, LP by selecting any one of manual, SP, LP, which then changes the item of the remaining

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amount calculation result to display a “o,” which reads on the claimed, “where one or more recording modes are identified, selecting (122) an identified recording mode based on a preference; and where an identified recording mode is selected, scheduling (128) the recording of the item using the selected recording mode,” as disclosed at column 10, lines 25-38 and lines 53-60; as well as column 11, lines 1-3.

Regarding **claim 12**, Gunji discloses everything claimed as applied above (see claim 1). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 1 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-10, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US Patent 7,212,725), hereinafter referred to as Gunji, in view of Imada et al (US Patent 7,254,318), hereinafter referred to as Imada.

Regarding **claim 2**, Gunji discloses everything claimed as applied above (see claim 1). However, Gunji fails to disclose adapting (120) at least one reserved item and repeating the method commencing with the obtaining step. The examiner maintains it was well known to include the missing limitation, as taught by Imada.

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In a similar field of endeavor, Imada discloses a recording apparatus, recording program, and recording method. Further, Imada discloses in the case where the available capacity falls short to copy all the first priority contents, one or more first priority contents are re-encoded as necessary so as to reduce their size and then to be recorded in the DVD, which reads on the claimed, "adapting (120) at least one reserved item and repeating the method commencing with the obtaining step," as disclosed at column 12, lines 1-5 and exhibited in figure 3.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording/reproducing apparatus and picture recording reservation method of recording/reproducing apparatus to include in the case where the available capacity falls short to copy all the first priority contents, one or more first priority contents are re-encoded as necessary so as to reduce their size and then to be recorded in the DVD, as taught by Imada, for the purpose of making more efficient use of the recording capacity of a recording medium.

Regarding **claim 3**, Gunji discloses a recording/reproducing apparatus and picture recording reservation method of recording/reproducing apparatus. Further, Gunji discloses discloses a recording/reproducing apparatus which can control a plurality of recording media, the apparatus comprising picture recording reservation information processing section (301) as well as remaining amount calculation processing section (401), which reads on the claimed, "a method for managing the recording capacity of a recording device when recording an item, independently of user

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involvement," as disclosed at column 3, lines 45-47; column 8, lines 38-41; and exhibited in figure 1, the method comprising:

utilizing picture recording reservation input screen (310) which includes a "mode" column allowing a recording mode to be set at various quality levels including manual, SP, and LP, which reads on the claimed, "receiving (104) data representing a plurality of recording modes of the recording device," as disclosed at column 8, lines 48-51 and exhibited in figure 2; and,

calculating capacities required for picture recording as to the respective reservations for each of the specified reservation items and a user making a mode selection and moving the cursor to a desired row, changing the mode, the user setting the bit rate when the reserved program is recorded to any one of manual, SP, LP by selecting any one of manual, SP, LP, which then changes the item of the remaining amount calculation result to display a "o," which reads on the claimed, "selecting (160) a recording mode based on a preference; commencing the recording of the item using the selected recording mode," as disclosed at column 10, lines 25-38 and lines 53-60; as well as column 11, lines 1-3.

However, Gunji fails to disclose while recording the item: obtaining (166) the unreserved recording capacity; and where the unreserved recording capacity is less than a pre-determined amount, adapting (170) at least one reserved item. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Imada.

In a similar field of endeavor, Imada discloses a recording apparatus, recording program, and recording method. Further, Imada discloses recording multiple contents from a HD to a DVD wherein for each content x , the size of x is subtracted from an overall capacity y , and then the content is reencoded so as to fit within the overall capacity y , which reads on the claimed, "while recording the item: obtaining (166) the unreserved recording capacity; and where the unreserved recording capacity is less than a pre-determined amount, adapting (170) at least one reserved item," as disclosed at column 9, line 60 through column 10 line 22 and exhibited in figure 6A-6B.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording/reproducing apparatus and picture recording reservation method of recording/reproducing apparatus to include recording multiple contents from a HD to a DVD wherein for each content x , the size of x is subtracted from an overall capacity y , and then the content is reencoded so as to fit within the overall capacity y , as taught by Imada, for the purpose of making more efficient use of the recording capacity of a recording medium.

Regarding **claim 4**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 3). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 5**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 3). Further, Imada discloses a free-space preservation menu to specify a preservation of a certain amount of space in the recording medium based on a recording time input in column (nm2) as well as buttons

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for selecting one of four image qualities, which reads on the claimed, "wherein the pre-determined amount corresponds to 1 minute of recording time using the selected recording mode," as disclosed at column 14, lines 19-34 and exhibited in figures 13-14 (wherein by specifying the numeric value of column (nm2), the user can input 1 minute, 15 minutes, 60 minutes or any other value up to 120 minutes).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the recording/reproducing apparatus and picture recording reservation method of recording/reproducing apparatus to include a free-space preservation menu to specify a preservation of a certain amount of space in the recording medium based on a recording time input in column (nm2) as well as buttons for selecting one of four image qualities, as taught by Imada, for the purpose of preserving a certain amount of capacity for when a user plans to record another content scheduled to be broadcast in the future.

Regarding **claim 6** the combination of Gunji and Imada discloses everything claimed as applied above (see claim 3). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 7** the combination of Gunji and Imada discloses everything claimed as applied above (see claim 3). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 5 above.

Regarding **claim 8**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 3). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 9**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 2). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 10**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 2). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 3 above.

Regarding **claim 13**, the examiner maintains the claim is the corresponding apparatus to the method of claims 1 and 3, and therefore the limitations of the claim are rejected in view of the explanations set forth in claims 1 and 3 above. Further, Gunji discloses microcomputer block (30) which controls the operation of the apparatus main body as main constituents, the apparatus being able to supply information encoded in encoder section (50) and management information formed in the computer block (30) to the hard disk device (2001) or the optical disk (1001) via the data processor (36) and record the same on the hard disk or optical disk, which reads on the claimed, "an interface (210) operable to exchange data between the processing means and the recording device; and a recording device (208) operable to co-operate with the processing means," as disclosed at column 3, lines 59-61 and column 4, lines 44-54.

Regarding **claim 14**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 13). Further, Gunji discloses a user able to make a mode selection, and setting the bit rate when the reserved program is recorded to any one of manual, SP, LP, which reads on the claimed, "wherein the recording device is

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operable to send data representing the plurality of recording modes,” as disclosed at column 10, lines 53-60.

Regarding **claim 15**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 13). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 14 above (wherein by a user being able to change the mode, this implies that the processor is operable to receive the preference or else the mode could not be changed).

Regarding **claim 16**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 15). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 14 above.

Regarding **claim 17**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 15). Further, the limitations of the claim are rejected in view of the explanation set forth in claim 16 above.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US Patent 7,212,725), hereinafter referred to as Gunji, in view of Imada et al (US Patent 7,254,318), hereinafter referred to as Imada, Further in view of Ellis et al (US PgPub 2002/0174430), hereinafter referred to as Ellis.

Regarding **claim 11**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 2). However, the combination fails to disclose wherein adapting the at least one reserved item comprises: deleting the reserved item based on the preference. The examiner maintains that it was well known in the art to include the missing limitations, as taught by Ellis.

In a similar field of endeavor, Ellis discloses systems and methods for interactive program guides with personal video recording features. Further, Ellis discloses an interactive television application which provides the user with the ability to assign priority to television recordings, including causing the priority of the viewed program to be reduced so that it may be deleted in preference to a program that has not yet been viewed, which reads on the claimed, "wherein adapting the at least one reserved item comprises: deleting the reserved item based on the preference," as disclosed at paragraph [0356] and exhibited in figures 51-55B.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination to include discloses an interactive television application which provides the user with the ability to assign priority to television recordings, including causing the priority of the viewed program to be reduced so that it may be deleted in preference to a program that has not yet been viewed, as taught by Ellis, for the purpose of making more efficient use of the capacity of a recording medium.

Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunji et al (US Patent 7,212,725), hereinafter referred to as Gunji, and well known prior art (see MPEP 2144.03).

Regarding **claim 18**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 13). The combination fails to disclose wherein the interface comprises Project 50 messages conveyed over Scart. However, the examiner takes Official Notice that it was well known in the art to include wherein the interface

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comprises Project 50 messages conveyed over Scart, for the purpose of allowing a device to be compliant with Scart standards and connectors.

Regarding **claim 19**, the combination of Gunji and Imada discloses everything claimed as applied above (see claim 13). The combination fails to disclose wherein the interface comprises CEC messages conveyed over HDMI. However, the examiner takes Official Notice that it was well known in the art to include wherein the interface comprises CEC messages conveyed over HDMI, for the purpose of allowing a device to send high-definition video data.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akamatsu et al (US Patent 7,224,886) discloses a method of using AV devices and AV device system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC DAZENSKI whose telephone number is (571)270-5577. The examiner can normally be reached on M-F, 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571)272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
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